

BEFORE THE TEACHERS AND STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the) DEFAULT ORDER
Teaching License of) OF SUSPENSION AND
JOHN MANUPELLA) PROBATION
)

On March 13, 2000, the Teacher Standards and Practices Commission (Commission) issued a Notice of Opportunity for Hearing to John Manupella in which the Commission proposed to suspend or revoke the teaching license of Mr. Manupella or otherwise impose discipline under ORS 342.177 based on an allegation that between November 1 and December 14, 1999, Mr. Manupella used school district equipment to access sexually explicit materials. The notice was sent via U.S. Certified Mail Receipt #Z 204 897 171 to Mr. Manupella’s attorney, Adrienne Nelson. The receipt was signed on March 15, 2000 and returned to TSPC on March 17, 2000. Ms. Nelson did not request a hearing on behalf of Mr. Manupella.

FINDING OF FACTS

1. John Manupella holds a Transitional Teaching License endorsed for special education and valid from September 7, 1999 to September 7, 2002. He was employed by the Springfield School District from August 27, 1999 to December 17, 1999, when he resigned his position with the district.
2. Between November 1 and December 14, 1999, Mr. Manupella on multiple occasions used computer equipment owned by the district and located at the Mt. Vernon Elementary School in the Springfield School District to access sexually explicit materials through the Internet. The computer was located in Mr. Manupella’s office, adjacent to his classroom.
3. On or about December 14, 1999, Manupella failed to demonstrate a commitment to use professional judgment when he unbuttoned his pants while viewing sexually explicit material on the Internet after school, but while students, staff and parents were still on the premises.

ULTIMATE FINDINGS OF FACT

Between November 1 and December 14, 1999, Manupella used computer equipment owned by his employing school district and located on school premises to access sexually explicit materials without authorization from the district.

On or about December 14, 1999, Manupella failed to demonstrate a commitment to use professional judgment when he unbuttoned his pants while viewing sexually explicit material on the Internet after school, but while students, staff and parents were still on the premises.

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CONCLUSIONS OF LAW


Mr. Manupella's activities constitute gross neglect of duty in violation of OAR 584-020-0040(4)(a) and (n).

ORDER

The Oregon Teaching License of John Manupella is suspended for a period of six months from the date of this Order. At the end of the suspension period, Mr. Manupella's teaching license will be reinstated upon application and a showing by Mr. Manupella that he has undergone an evaluation at his own expense by a medical professional acceptable to the Commission and the evaluator submits a written report to the Commission attesting: (1) Mr. Manupella is fit to work with children and teenagers; and (2) there is high probability he will not use school district equipment to access sexually explicit materials or engage in inappropriate behavior of a sexual nature. Following the reinstatement of his teaching license, Mr. Manupella shall be placed on probation to the Commission for a period of three years subject to the following conditions:

1. Mr. Manupella shall undergo treatment or counseling as recommended by the medical professional who completed the evaluation described above.
2. Mr. Manupella shall comply with all Standards for Competent and Ethical Performance under OAR 584, Division 020.
3. Mr. Manupella shall provide information as requested by the Commission to verify that he has complied with the conditions of probation.

Dated this 16th day of May, 2000.

By: 
David V. Myton, Executive Director

DVM/cs

NOTICE OF APPEAL OR RIGHTS

YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

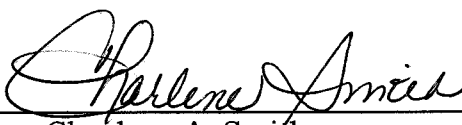
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CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order by mailing a true copy thereof certified by me as such by U. S. Certified Mail with Return Receipt Requested to the attorney for John Manupella:

Adrienne Nelson
Bennett Hartman & Reynolds
851 SW 6th, Suite 1600
Portland, OR 97204-1376

Dated this 17th day of May, 2000.

By 
Charlene A. Smith
Executive Assistant to the Commission